



Order Filed on June 18, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

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HERBERT B. RAYMOND, ESQ.  
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ATTORNEYS FOR THE DEBTOR(S)

In Re:

FRANCIS D. AVELLA, DEBTOR(S)

Case No.: 18-30162 VFP

Adv. No.:

Hearing Date: N/A

Judge: VINCENT F. PAPALIA

ORDER AUTHORIZING LOAN  
MODIFICATION AND FOR OTHER RELIEF

The relief set forth on the following pages, two (2) through four (4) is  
hereby ORDERED:

**DATED: June 18, 2019**

  
\_\_\_\_\_  
Honorable Vincent F. Papalia  
United States Bankruptcy Judge

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Debtor: Francis D. Avella, Debtor(s)

Case no.: 18-30162 VFP

Caption of order: Order Authorizing Loan Modification and for  
Other Relief

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1. That the Debtor(s) be and are hereby authorized to enter into and consummate a loan modification with Specialized Loan Servicing, LLC ('Specialized'), pursuant to the terms and conditions of the proposed loan modification agreement, entitled Home Modification Agreement, filed as an Exhibit in support of this motion relating, to real property located at 4306 Newkirk Avenue, North Bergen, New Jersey 07047 and the loan modification be and is hereby approved.

2. That the Debtor and/or Specialized, be and are authorized to enter and consummate any transaction necessary and incident to the loan modification relating to this property, the sole exception being the transfer of the property or an interest in the property by the Debtor(s) to someone else.

a. Limited automatic stay relief is granted, to allow Specialized, to negotiate any such agreement with the Debtor(s) or counsel, enter into and sign a loan modification agreement, and record any documents with the appropriate county recorders office without such action being considered a violation of the automatic stay.

3. That the Debtor and/or Specialized, are authorized to negotiate and prepare the terms or documents relating to a loan

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2 Debtor: Francis D. Avella, Debtor(s)

3 Case no.: 18-30162 VFP

4 Caption of order: Order Authorizing Loan Modification and for  
5 Other Relief

6  
7 modification, or any necessary transaction incident to a loan  
8 modification agreement, such as, but not limited to the  
9 circumstances described above, with respect to this property and  
10 any such negotiation and/or preparation of documents and/or  
11 recording of documents, by the parties shall not considered to  
12 be a violation of the automatic stay and are specifically  
13 authorized by the Bankruptcy Court.

14 4. That any communication by the parties relating to the  
15 loan modification shall be considered to be negotiations,  
16 pursuant to the Rules of Evidence, and shall not be used by  
17 either party against the other in the context of any subsequent  
18 litigation in this Court or any state court, federal court or  
19 non-judicial forum.

20 5. That nothing in this order shall be construed as a  
21 modification of the plan.

22 6. That the mortgage company and/or mortgage servicer may  
23 not persuade the Debtor(s) to dismiss this case in order to  
24 consummate a loan modification.

25 7. That because the mortgage is being modified and the pre-  
26 petition arrears are being addressed in the new mortgage, the  
27 pre-petition arrearage claim, filed by Specialized, or its  
28 predecessors, assignees or successor in interest, as claim

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Debtor: Francis D. Avella, Debtor(s)

Case no.: 18-30162 VFP

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number two (2) on the claims register, shall not be paid and the  
Trustee shall not make any payments/disbursements on this pre-  
petition arrearage claim or any post-petition arrearage added to  
the plan, if applicable. If the modification is not  
consummated for any reason, Specialized, may, during the  
pendency of this case, re-list the matter for further hearing,  
otherwise, this order shall be deemed final.

**Certificate of Notice Page 5 of 5**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Francis D Avella  
 Debtor

Case No. 18-30162-VFP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
 Form ID: pdf903

Page 1 of 1  
 Total Noticed: 1

Date Rcvd: Jun 18, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 20, 2019.

db +Francis D Avella, 4306 Newkirk Avenue, Apartment#1, North Bergen, NJ 07047-2710

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
 NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jun 20, 2019

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 18, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Specialized Loan Servicing as Servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
 Denise E. Carlon on behalf of Creditor Specialized Loan Servicing, LLC as servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
 Douglas J. McDonough on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 DMcDonough@flwlaw.com  
 Herbert B. Raymond on behalf of Debtor Francis D Avella herbertraymond@gmail.com, raymondmail@comcast.net;bankruptcyattorneys@comcast.net;herbertraymond@gmail.com;carbonell\_c@hotmail.com;kdelyon.raymond@gmail.com;herbertraymond5967@yahoo.com;raymondlaw5622@gmail.com;courtemail789@gmail.com  
 Marie-Ann Greenberg magecf@magtrustee.com  
 Melissa N. Licker on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 Under the Pooling and Servicing Agreement Dated Se NJ\_ECF\_Notices@mccalla.com  
 Melissa N. Licker on behalf of Creditor Specialized Loan Servicing, LLC as servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10 NJ\_ECF\_Notices@mccalla.com  
 Melissa N. Licker on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 as serviced by Specialized Loan Servicing, LLC NJ\_ECF\_Notices@mccalla.com  
 Sean M. O'Brien on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 DMcDonough@flwlaw.com  
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 10